Secrt. II-27—10,000—31-10-27.

Law (8) (1928) Department.

Mis SERIES.

G.O. No. 394

DATED 4-2-28

[Despatch Abstract.]

Legal Assistance - M.R.Ry. M. Krishna Shetty - Sub Inspector of Police, South Kanara District - O.S.No. 183/26 on the file of the District Munsiff, Mangalore - Rs.113-5-0 - S a n c t i o n e d.

C.F. 30—10,000—7-8-26.

Police **DEPARTMENT.**

Received ..... 192 . *Registered* ..... 192 .

Subject

Legal assistance- M.R.Ry. M. Krishna Shetty, Sub-Inspector of Police, South Kanara district- Payment of the cost of his defence in the Civil suit brought against him- Sanction requested.

ENCLOSURES.
No. Four
Spare copies 1 ac

Re No. 308/Acc

Station Madras, *Dated the* 28th November 1927.

From (Name) F.A. Hamilton, Esquire,

(Designation) Inspector-General of Police, Madras.

To The Chief Secretary to the Government of Madras,

Judicial Department.

Sir, through the Accountant-General, Madras.

I have the honour to request Government to sanction an expenditure of Rs.113-5-0 on account of the defence of the civil suit for damages amounting to Rs.50/-, brought by one Subbannayya and three others against M.R.Ry. M.Krishna Shetty, Sub-Inspector of Police, South Kanara district, in the Court of the District Munsif, Mangalore.

2. This suit was in respect of acts done by the Sub-Inspector in his official capacity, and its defence at the public cost was sanctioned provisionally by my predecessor under Police Order 225, Volume I. The suit has now been dismissed with costs and the plaintiffs have been ordered to pay the defendant Sub-Inspector Rs.32-4-0 for his costs. Vide

3-4 infra

copies of the Judgment and decree in the suit enclosed for perusal and favour of return. I am fully satisfied that the action of the Sub-Inspector was bonafide in the discharge of his official duties- vide copy of deposition of Mr.A.C.Woodhouse, the Sub-Divisional Magistrate, Mangalore, at the time, who was examined on commission in the suit. I recommend that the entire cost of defence of the Sub-Inspector as put in by his pleader (copy enclosed) may be borne by Government. The Pleader's fee of Rs.40/- is debitable to "24-b- Administration of Justice- Law Officers- Honoraria- Voted- Fees to Pleaders in Civil cases, criminal cases etc.," and the remaining sum of Rs.73-5-0 will be met from the appropriation under "26-C. Police- District Executive Force- i District Police-Non-contract contingencies- Voted- Miscellaneous". The costs awarded by the Court, namely Rs.32-4-0, if and when recovered, will be credited to Government. 5

I have the honour to be,

Sir,

Your most obedient servant,

Received 27/12/

for Inspr.-Genl.of Police.

Tss.26-xi
Gee

Copy of Memo. of costs filed on behalf of the Defendant in O.S.No. 183/26 on the file of the Dt. Munsif, Mangalore.

Memo of costs.

Between

K. Subbannaya and others. Plffs.

and

M. Krishna Shetty Deft.

Date of disposal. 23-9-1927.

Memo of costs produced by Deft.'s vakil Mr. B.Vaikunta Baliga in the said suit.

Costs of Defendant.	Claim	allowed
1. Stamp for plaint, appeal memo, memo of objections.	-	-
2. Stamp for vakalat.	1-0-0	1-0-0
3. Stamp for exhibits	-	-
4. Pleaders fee at Mangalore	20 0 0	2-8-0
-do- at Nellore.	20 0 0	
5. Commission fees with M.O. commission etc.,	25-8-0	25-8-0
6. Travelling allowance and subsistence for witnesses.	-	-
7. Process fees	0-12-0	-
8. Stamp on petitions.	2-4-0	2-4-0
9. Costs of adjournment.	-	-
Bus fare from Puttur to Mangalore and back on three occasions.	9-0-0	-
10. Costs of interlocutory applications.	-	-
Trainfare from Mangalore to Nellore and back.	27-5-0	-
Expenses for court fee stamps at Nellore.	2-8-0	1-0-0
11. Other costs incurred at Nellore.	5-0-0	-
Total.	113-5-0	32-4-0

I hereby certify that I have received Rs. 20-0-0 from Deft for my fees.

Sd. B.Vaikunta Baliga,
Pleader for Deft.

Costs allowed Rs. 32-4-0

Sd. C.R.K. Dt. Munsif.

/True copy/

District Police Office,
Mangalore, 17-11-1927-

p.o. Received Rs.

Dt. Supdt. of Police, S.K. Dt.

6

Copy of deposition of Mr. A.C.Woodhouse, Collector of Nellore, examined on behalf of Defendant on commission in O.S.No. 183/26 on the file of the District Munsif, Ma[illegible]

Between.

K. Subbannaya and others. Plffs.

and

Krishna Shetty. Deft.

Deposition of witness examinedon commission on behalf of the Defendant in the presence of Mr. M.V. Subba Rao Pleader for Plaintiff and Mr. M. Vishwanatha Rao, Pleador for Defendant.

The witness after having been sworn by me deposes as follows:-

Name.- A.C.Woodhouse.

Father's name.

Age. 39 years.

Residence, Nellore.

Occupation-District Collector.

I took charge of Mangalore Division in about October 1925 as Sub Divisional Magistrate and continued till July 1926. I tried M.C. 34/25. My order in the case was that as I was unable to satisfy myself as to which party was in possession of 12 cents of land in Survey No. 17/15 C of Kotekar village, I authorised the Sub Inspector, Taluk Station, Mangalore to attach the said 12 cents of land by taking possession and handing it over to the potail of the village. The Deft. was then the Sub Inspector of the Taluk Station. Exhibit I is the true copy of the warrant issued by me to the Sub Inspector. Exhibit 2 is the endorsement made by me on the notice of suit. (The Plaintiff's Pleader objects to this exhibit being marked, as the document was not filed in time). Exhibit II(a) is the endorsement of the Dt. Superintendent, South Kanara, forwarding the suit notice to me for remarks. I know the District Superintendent's signature.

Question.- Did the Sub Inspector act in accordance with the warrant sent to him ?(Question objected to by Plaintiff's Pleader)

Answer.- [illegible] officer to a[illegible] the said land and this order necessitated [illegible]oval of [illegible]

[redacted]norary shed erected on the land. The Sub Inspector [redacted]cted in accordance with the warrant in having the land [redacted]cated. The shed was constructed of materials subject to [redacted]apid deterioration and decay and was capable of removal [redacted]ike ordinary goods and chattles. To the best of my recollection the materials were sold in auction, as the party declined to remove the shed or receive the materials into his custody andthe sale proceeds were deposited in the Treasury to the best of my recollection. I know Krishna Shetty (the Plff's vakil objects to the question about the character of Krishna Shetty) He is a good man and not a person who will act high-handedly.

Cross-examination. I was at Mangalore when I wrote exhibit II. At the time of the order the shed was in existence. According to the evidence it was put up in two days. Subsequent to the passing of the order under 145, I did not review the order. I cannot say if the shed which was built of cadjan leaves was covered with Mangalore tiles. In the warrant issued by me there is no specific direction to the Sub Inspector to remove the shed. As the Sub Inspr was ordered to take theland into possession and not the shed which was a temporary affair, I stated in exhibit II that the order necessitated the removal of the temporary shed. A permanent building can be taken possession of by the officer but not a temporary structure. If there had been a permanent building on the land, the order to the Sub Inspector would have been worded differently. There is a difference under Section 145-2 between a permanent building and a temporary shed, for instance a temporary shed is of the same nature as ordinary samans capable of removal. Chapter XII Cr. P.C. does not apply to moveable property. I have a vague collection that the party was given a notice to receive [redacted]

[redacted] the shed and as he refused to receive them and as the [redacted]ere subject to rapid [redacted]eriorationand decay [redacted]

they were auctioned. I think I must have passed [redacted] writing to auction the materials. I came in contact [redacted] the defendant when I was the Sub Divisional Magistrate [redacted] Mangalore which was for about 10 months. I am not sure [redacted] if the Sub Inspector was present when I pronounced the [redacted] order under 145. The parties must have been present [redacted] because it is my practice to give notice of the date of pronouncing final orders and the Judgments in all cases.

Re-examination.- Had there been a permanent structure on the land the warrant would have been worded differently. I would have directed the possession of the building because the permanent building is part of the land.

Sd. A.C.Woodhouse,

The deposition having been read over by the witness was admitted by him to be correct.

11-9-1927 Sd. V.Rangiah,
Commissioner.

/True copy/

District Police Office,
Mangalore, 17-11-1927.

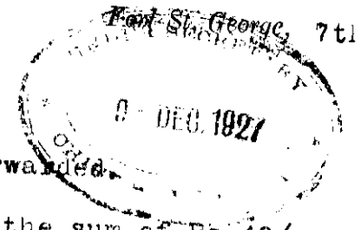
Dt. Supdt. of Police, S.K.

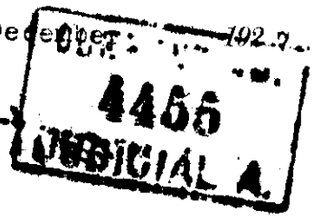
No. Pol P.A/316

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, 7th December 1927.

Enclosures. 7





Forwarded.

As the sum of Rs. 40/- on account of Pleader's fee is presumed to be paid to pleaders not in the service of Government, the amount should be debited to "24 Administration of Justice- Law officers- Reserved voted-Supplies and services- Miscellaneous.

Assistant Accounts officer.

To

The Chief Secretary to the Government of Madras,

Judicial Department.

T.R.R

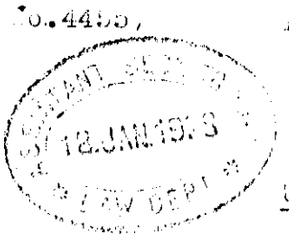
Judicial Department.

Public servants - Legal assistance to - Krishna Shetty, ...y.... - S. I. of Police - South Kanara dt. - Civil suit - Payment of fees etc.

Letter from the I. G. of Police, No. C.503/Sect., dated 28-11-1927.

(C. No.4455,

Endorsement of the A. ., No. Pol.J.A.616, dated 7-12-1927.



U. S.

Under I. G. No.225, Vol. I, the I. G. of Police sanctioned the defence at public cost (provisionally) of the civil suit for damages brought against Mr.Krishna Shetty, Sub Inspector of Police, Kistna district. The court dismissed the suit with costs - vide Judgment at p.3 C.F. The cost awarded is Rs.32-4-0 (p.4C.F) The Sub Inspector has, however, actually incurred an expenditure of Rs.115-5-0 - vide Memo. of costs at p.5 C.F. The I. G. requests that the whole of this ~~amount~~ expenditure may be borne by Government. The cost awarded by the court, if and when recovered, is proposed to be ~~credited~~ credited to Government.

2. If approved, the draft order submitted is for approval. It may issue ~~with the concurrence of~~ in the Law ~~Department~~ department with reference to the agreement recently reached - owe linked fee

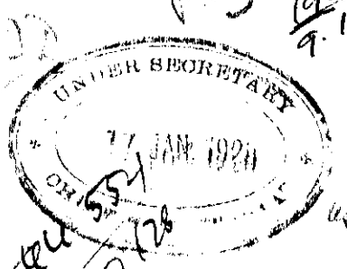
Judl. may transfer this to Law with support to the Ct.'s suggestion. The Subinspectors expenses are not unreasonable.

Judl. 17/12

Law 19.12.27 9.1.28

Judl. 19.1.28

PVS



CS. 17-1-28

MJ. 10.7.28

Law (Genl) Dept

U.S.

A draft order is subd for approval. It may issue with the Concurrence of the Finance Dept.

Sd 26.1.28

SO
26.1.28

Sd (W.O)

25/1/28.

25.1.28

3122 R.
28.1.28

Finance. E. R.

The draft order may be accepted.

Thm
1/2/28

Sd
3.2.28

3122-1R
3.2.28

Law (Genl) Dept.

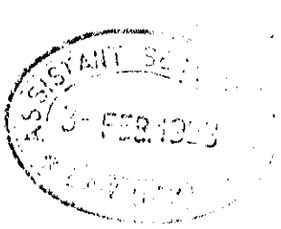
U.S.

Subd that the draft order may now be issued

4.2.28

Issue

Sd 4.2.28



Scott No. I-5 (a)—38,004—26-10-27. (6)

38/a.v.

Law (Genl) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Legal assistance.

- Mr. P. Ry M. Krishna Shetty Sub-inspr of Police, South Kanara Dt. - O.S. No 183/26 on the file of the Dt. Munsiff, Mangalore - Rs 113-5- sanctioned.

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ..... " ..... 192 .

READ ALSO :—

C. No. 38(B) From the Dy. of Police. RC, No. 308/Accts, dated 28.4. 1927.

" " " Endl by the A.G to Pol. P. A. 316 " 7.12. 1927.

" " " " " " " 192

ORDER.

Issue.

No. 394, dated 4/2/1928

The Govt sanction an expenditure of Rs 113-5- (Rupees one hundred and thirteen and annas five only) including Rs 40 (Rupees forty) as pleader's fees, in connection with the defence of Mr. P. Ry M. Krishna Shetty, Sub-inspr of Police, South Kanara Dt. in O.S No 183/26 on the file of the Dt. Munsiff's Court Mangalore.

2 The pleader's fee should be debited to "24- Admr of Justice - Law Officers. Supplies and Services - Mutual

and the remaining Rs 73-5-10
26.C. - Police - District Executive Force -
1- Dy Police - Non-Contract Contin-
gencies - Votes - Miscellaneous".

3 The Costs awarded by the
Court, viz. Rs 32-4 (Rupees thirty
two and annas four) should be
credited to Govt when recovered.

27.1.28.

25.1.28

26.1.28

27.1.28

To the Dy Sp Police. (with papers 3-4 C/F)
" " A.S (Thro Sri)
" " Sri Deputi.